

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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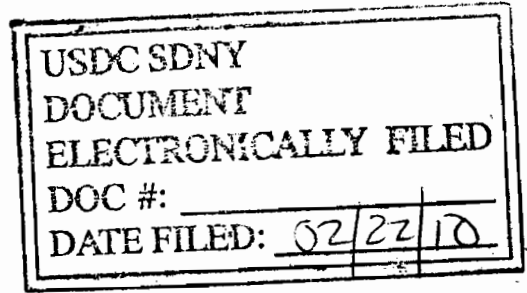
UNITED STATES OF AMERICA

-v.-

ADRIAN AVENDANO,

Defendant.

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ORDER OF FORFEITURE

09 Cr. 523 (DAB)

WHEREAS, on or about May 29, 2009, ADRIAN AVENDANO (the "defendant"), among others, was charged in a fifteen-count Indictment 09 Cr. 523 (DAB) (the "Indictment") with conspiring to commit bank and wire fraud, in violation of Title 18, United States Code, Section 1349 (Count One); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Fourteen);

WHEREAS, the Indictment included a forfeiture allegation seeking, pursuant to 18 U.S.C. §§ 981(a)(1)(C) and 982 and 28 U.S.C. § 2461, any property constituting or derived from proceeds obtained directly or indirectly as a result of the offenses alleged in the Indictment, including but not limited to:

- a. At least \$10,000,000 in United States currency, in that such sum in aggregate is property representing the approximate amount of proceeds obtained as a result of the bank and wire fraud offenses, for which the defendants are jointly and severally liable;

WHEREAS, on or about October 14, 2009, the defendant pled guilty to Count One of the Indictment and agreed to forfeit

a sum of money equal to \$30,000 in United States currency (the "Judgment");

WHEREAS, on February 22, 2010, the defendant was sentenced;

NOW, THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED THAT:

1. As a result of the offense charged in Count One of the Indictment, to which the defendant pled guilty, a Judgment in the amount of \$30,000 shall and hereby is entered against the defendant.

2. Pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure, this Order of Forfeiture is final as to the defendant, ADRIAN AVENDANO, and is deemed part of the sentence of the defendant and shall be included in the judgment of conviction therewith.

3. Upon execution of this Order of Forfeiture, and pursuant to 21 U.S.C. § 853, the United States Marshals Service shall be authorized to deposit the payments on the Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

4. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, upon entry of this Order of Forfeiture the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of the property,

including depositions, interrogatories, requests for production of documents and to issue subpoenas, pursuant to Rule 45 of the Federal Rules of Civil Procedure.

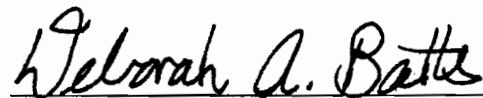
5. All payments on the outstanding judgment shall be made by Postal money order, bank or certified check, made payable, in this instance to the "United States Marshal Service," and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Asset Forfeiture Unit, One St. Andrews Plaza, New York, New York 10007, and shall indicate the defendant's name and case number.

6. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

7. The Clerk of the Court shall forward two certified copies of this Order to Assistant United States Attorney, Sharon Cohen Levin, One St. Andrew's Plaza, New York, New York 10007.

Dated: New York, New York  
February 22, 2010

SO ORDERED:

A handwritten signature in black ink, reading "Deborah A. Batts", is written over a horizontal line.

HONORABLE DEBORAH A. BATTS  
UNITED STATES DISTRICT JUDGE